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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,341

07/17/2008

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EXAMINER

DANG, HOANG C

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,341	Applicant(s) ORBAN ET AL.	
	Examiner Hoang Dang	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 29-32, 35, 36, 39 and 49 is/are rejected.
- 7) ☒ Claim(s) 10-12, 14-28, 33, 34, 37, 38 and 40-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-9, 29-32, 35, 36 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Pringle et al (US 5,394,951).

Pringle et al disclose a system for drilling a lateral hole departing from a main well comprising: a motor assembly including a motor (30), a blocking system (42), a drive shaft (unspecified shaft that connects motor 30 to drill bit 26), a connector for transmitting the rotating torque and the axial force from the motor assembly to the drilling assembly, the drill string assembly comprising a drill pipe (28) and a drill bit (26), the connector providing a fluid communication channel between the motor assembly and an inside of the drill pipe; wherein the connector is a second connector being connectable to the drill string assembly to transmit both the axial force and the rotating torque to the drill pipe. It is noted that the claims only require either a first connector or a second connector, not both.

As for claims 2, 29, 31 and 49, the motor is within the main wellbore during the first stage of the lateral borehole drilling operation and it is within the drilled lateral borehole at a later stage of the drilling operation.

As for claim 4, there are uncountable contact points between the drill string assembly of Pringle et al and the wall of the drilled lateral borehole.

Art Unit: 3672

As for claims 8 and 36 see “variable diameter stabilizer” disclosed in column 3, lines 36-59.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 13 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pringle et al ‘951.

Pringle et al do not disclose bearings, electrical motor or micro-sensor as recited.

However, the examiner would like to take an Official notice that the use of both thrust bearings and plain or radial bearings in a downhole motor to rotatably support a drive shaft is well known to allow rotation of the drive shaft and drill bit relative to the outer motor housing. The use of a downhole electrical motor to rotate a drill bit is also well known. It is also well known in the art to mount a sensor near the drill bit to provide an operator with information regarding the direction of the borehole. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Pringle et al with bearings, electrical motor or sensor as claimed for the advantages pointed out above.

Art Unit: 3672

Allowable Subject Matter

5. Claims 10-12, 14-28, 33, 34, 37, 38 and 40-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 571-272-7028. The examiner can normally be reached on 9:15-5:45 Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/597,341

Page 5

Art Unit: 3672

/Hoang Dang/

Primary Examiner, Art Unit 3672